

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Angela Nails,

Plaintiff,

v.

Case No. 18-mc-50991

James Eric Macon,

Sean F. Cox

United States District Court Judge

Defendant.

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**ORDER DENYING REQUEST FOR LEAVE TO PROCEED**

Acting *pro se*, on June 27, 2018, Plaintiff Angela Nails (“Nails”) initiated this miscellaneous civil action, in which she purports to bring criminal charges against James Eric Macon on behalf of the United States.

On April 13, 2018, the Honorable Mark A. Goldsmith dismissed another case filed by Nails, and further ordered that Nails is enjoined from filing further actions in this district unless she obtains leave to do so from a judge in this district. (*See* Docket Entry No. 9 in Civil Action No. 17-12947).

Nails did not seek or obtain leave of court prior to filing this action. That alone justifies the Court’s dismissal of this action.

In addition, “a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 4777, 479 (6th Cir. 1999).

Here, Nails is purporting to bring criminal charges against an individual on behalf of the United States. A private citizen such as Nails “cannot prosecute a criminal action in federal court.” *Chambliss v. Railroad Retirement Bd.*, 2018 WL 2947973 (S.D. NY 2018) (citations omitted); *see also Brooks v. Carlson*, 2017 WL 1091259 (E.D. Mich. 2017) (“A private individual such as Plaintiff cannot prosecute a criminal action, nor sue in federal court to compel the state or the federal government to investigate or prosecute an alleged crime.”). As such in an Order issued on July 2, 2018, this Court summarily dismissed this action with prejudice.

Thereafter, on July 16, 2018, Plaintiff filed a written request seeking permission for leave to file a criminal and/or civil action against James Eric Macon. (D.E. No. 4). Having reviewed that submission, **the Court ORDERS that request is DENIED**, as Plaintiff has not shown that this Court has subject matter jurisdiction over the unspecified claim(s) that she seeks to initiate against James Eric Macon.

**IT IS SO ORDERED.**

s/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: July 26, 2018

I hereby certify that a copy of the foregoing document was served upon counsel and/or the parties of record on July 26, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy  
Case Manager